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December 18, 1997

BY HAND

Ms. Magalie Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re: Reply Comments of Thomson Consumer Electronics, Inc.
ET Docket No. 97-206

Dear Ms Salas:

Enclosed for filing please find the original and nine (9) copies of the Reply Comments of Thomson Consumer Electronics, Inc. in the above-referenced docket.

Please stamp and return to this office with the courier the enclosed extra copy of this filing designated for that purpose. Please direct any questions that you may have to the undersigned.

Respectfully submitted,

Lawrence R. Sidman

Lawrence R. Sidman

Enclosures

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Technical Requirements to Enable Blocking of Video Programming based on Program Ratings	)	ET Docket No. 97-206
	)	
	)	
Implementation of Sections 551(c), (d) and (e) of the Telecommunications Act of 1996	)	

REPLY COMMENTS OF THOMSON CONSUMER ELECTRONICS, INC.

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REPLY COMMENTS OF
THOMSON CONSUMER ELECTRONICS, INC.

I. Summary.

Thomson Consumer Electronics, Inc. ("Thomson") submits these reply comments in the above-captioned Notice of Proposed Rulemaking ("*NPRM*") to amend Part 15 of the Commission's Rules to require that television receivers of 13" or more be equipped with features that enable viewers to block the display of video programming with a common rating, as required under Section 551(c), (d) and (e) of the Telecommunications Act of 1996 ("the Act").[1/]

Congress's core objective in enacting Section 551 was to give parents a tool with which they could block video programming they do not want their children to view based on a common ratings system. To do that, it required the Commission to approve an industry-developed ratings

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[1/] Pub. L. No. 104-104, 110 Stat. 56 (1996).

system and adopt technical rules for manufacturers so that receivers could be built to block programming based on those ratings. The overriding goal of this proceeding has been to implement Congress's objective (i.e., to adopt a rating system and technical rules for manufacturers) as quickly as technically feasible so that parents and their children can begin to reap the benefits of this exciting and useful new tool. In comments filed in this proceeding, the Commission is being further asked to consider, study and rule upon the worthiness and technical proficiency of numerous futuristic additions and enhancements to this core V-chip capability. Aside from the serious technical and user-related complications associated with these technologies, and with a multiple ratings system model generally, these issues threaten to distract the Commission from accomplishing its core objectives of adopting a V-chip technology that meets the requirements set forth by Congress and getting that technology into the hands of parents as quickly as technically feasible. Thomson urges the Commission not to become so distracted, to leave the development of V-chip enhancement technology to the free market, and to get on with the business of adopting its rules and a TV ratings system as quickly as possible.

Thomson and every other party with expertise in designing and manufacturing television receivers agree that the Commission's proposed implementation deadline will be impossible to meet. Thomson joins these parties in again urging the Commission to move back its proposed implementation date by one year, requiring at least half of all product models to be in compliance

by July 1, 1999, with the remaining models due in compliance by July 1, 2000. Equally important to these parties is the need for the Commission to act swiftly in adopting the instant technical rules and in approving a program ratings system. Action on both of these items by January 1998 is essential to beginning the 18 to 24-month process of designing, testing and manufacturing television receivers equipped with V-chip program blocking technology.

Supporters of multiple ratings systems provide no evidence whatever that such a model would not severely compromise the V-chip's user friendliness and overall system integrity and in fact admit that the existence of multiple ratings would add to parents' confusion in programming their receivers to block objectionable material. Moreover, Section 551 does not authorize or contemplate the mandated use of V-chip "enhancements" such as the "positive-option" ratings systems proposed by Tim Collings. Enhancements such as these, which go beyond program blocking, should best be left to marketplace forces and should not be mandated by the Commission.

Finally, the Commission should refrain from regulating user interfaces and should leave the adoption of performance standards in the hands of the EIA and manufacturers to implement.

II. Swift Final Action by the Commission on a Ratings System and the Instant Technical Rules Remains Paramount to the Rapid Introduction of the V-chip to Parents.

As asserted in its initial comments, Thomson supports fully the Commission's goal of making V-chip program blocking capability available to parents as quickly as technically feasible. Indeed, the record in this proceeding unambiguously reveals that television set manufacturers are eager to introduce televisions equipped with this new feature to an awaiting consumer market. That eagerness, however, must be tempered by practical considerations. While Thomson and other manufacturers remain committed to introducing V-chip program blocking capability *expeditiously,* we cannot risk introducing it *prematurely.*

In order to begin the design cycle necessary to fully and properly integrate V-chip program blocking capability into all new television receivers, manufacturers must have in hand both the specific ratings system with which the V-chip will be required to operate, and the technical rules governing such operation. Each and every party possessing any technical knowledge of and experience in television receiver design and manufacturing makes this point in their comments.[2/] Once these actions are taken, manufacturers will require 18 to 24 months to bring V-chip equipped receivers to the market. Therefore, if the Commission acts upon these

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[2/] See comments of Philips Electronics North America Corporation ("Philips Comments") at 12, the Consumer Electronics Manufacturers Association ("CEMA Comments") at 4, Matsushita Electric Corporation of America ("MECA Comments") at 6, Soundview Technologies ("Soundview Comments") at 1, the Information Technology Industry Council ("ITI Comments") at 10, and Zenith Electronics Corporation ("Zenith Comments") at 3.

matters by January 1998, manufacturers will be able to introduce the first half of their V-chip equipped television receiver models by July 1, 1999, and the remainder by July 1, 2000. If, however, the Commission fails to act by January 1998, manufacturers will be forced to delay introduction of their first generation of V-chip equipped receivers until July 1, 2000. Finally, the Commission should consider encouraging the development and use of set-top V-chip program blocking converters as a cost-effective interim step to full implementation of Section 551.

A. Proponents of the Commission's Proposed Timetable for Implementation of the V-chip Possess Neither the Expertise Nor the Evidence To Support Their Position. Conversely, Manufacturers' Insistence on the Need for an 18 to 24 Month Implementation Period For The V-chip is Based on Their Technical Expertise and Decades of Experience in Introducing Advanced Features in Television Receivers.

As discussed at length in comments filed by those parties directly charged with designing, testing and manufacturing sets equipped with V-chip program blocking, the Commission's proposed timetable for implementation of the V-chip's technical requirements -- July 1, 1998 for one-half of all models, and July 1, 1999 for all remaining models, and 180 days following the adoption of these rules and the television ratings system for DTV receivers -- is simply impossible to meet. This assertion is not made lightly. It is backed by decades of experience in introducing new and advanced features into fully integrated television receivers.

Moreover, there is no mystery in how manufacturers reach this unanimous conclusion -- it boils down to one very simple truism: the design cycle for all new or remodeled televisions

requires a minimum of 18 to 24 months from the time the first integrated circuit is designed to the time the first set arrives on retail shelves. To short-circuit this cycle would be to risk the technical integrity of the entire set, as well as consumer confidence in and use of the V-chip. For digital television receivers, these risks are compounded by the threat to consumer acceptance and the successful rollout of DTV.

One particular group of commenters bases its support for the timetable proposed in the Commission's NPRM on what can only be considered a "myth": namely, that the specific program blocking capability called for under Section 551 and in the instant NPRM has existed since the adoption of the 1996 Telecommunications Act.[3/] This is simply false.

When the 1996 Telecommunications Act was enacted in February 1996, the V-chip existed only on paper and in the minds of its proponents. Since that time, while some integrated circuit design has taken place, final design was constrained intially by the lack of an approved transmission standard for program blocking data using line 21, field 2 of the VBI, and today by the absence of an officially approved industry ratings system. In fact, the EIA-608 standard for program blocking was only balloted and adopted in *October 1997,* the program ratings system

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[3/] See CME Comments at 8.

still awaits receiving the Commission's imprimatur, and final technical rules, obviously, remain to be adopted. To somehow infer that manufacturers have been sitting on their collective hands these past 19 months, therefore, simply ignores these critical facts.

Manufacturers have been nothing except consistent in their appeals to the Commission to move forward with these actions precisely so that manufacturers could get on with their work to take the drawing board designs and transform them into a reality for American parents.

B. The Commission Should Encourage the Development and Use of Set-top V-chip Converters As A Cost-Effective Interim Step Towards Full Implementation of Section 551.

Thomson is concerned that the expected availability of set-top V-chip decoder boxes "within a few months" of the FCC's adoption of these technical rules and the ratings system, as discussed by one manufacturer,[4/] may further foster the false impression that television set manufacturers possess all that is required *right now* to introduce V-chip capability in their products. In fact, the design cycle for set-top V-chip decoder boxes -- which consists only of the V-chip circuitry and cabinetry -- is far less complex and, consequently, much shorter than the production cycle required to introduce V-chip technology as one of hundreds of interconnected components in a television receiver. Thomson notes, however, that to the extent such stand-aloneV-chip decoder boxes are made available in the near term, that their development and use be

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[4/] See Soundview Comments at 1.

encouraged by the Commission as a cost-effective interim measure to full implemention of Section 551 (i.e., the availability of receivers with V-chip capability).

III. A Broad Array of Commenters Agree: The Commission Should Approve a Single Rating System and Manufacturers Should Not Be Required to Build Sets That Accommodate Multiple Ratings Systems.

The record established in this proceeding reveals a clear and broad-based consensus among consumer electronics manufacturers,[5/] the broadcasting, cable and film making industries,[6/] and public interest and children's advocacy groups[7/] that the Commission should adopt a single ratings system and that it should *not* require manufacturers to design receivers to accommodate multiple ratings systems.[8/] The complexity, confusion and frustration that would be visited upon parents under a multiple ratings system model would not only tie them up in knots, it would risk wholesale rejection of the technology by parents as overly complicated and cumbersome to operate. Moreover, the Telecommunications Act of 1996 neither requires nor contemplates the

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[5/] See Philips Comments at 5; MECA Comments at 9; Zenith Comments at 3; CEMA Comments at 9; ITI Comments at 5; Soundview Comments at 2; Comments of EEG Enterprises, Inc. ("EEG Comments") at 3.

[6/] See joint comments of the National Association of Broadcasters, the National Cable Television Association, and the Motion Picture Association of America ("Joint Programming Industry Comments") at 8.

[7/] See joint comments of the Center for Media Education, American Medical Association, American Academy of Pediatrics, American Psychological Association, Children's Defense Fund, Children Now, National Association of Elementary School Principals, National Education Association and the National Parent Teacher Association ("CME Comments") at 5.

[8/] In the context of this proceeding, Thomson considers the TV Parental Guidelines and the MPAA motion picture ratings as two separate and distinct ratings systems. As such, Thomson would oppose any requirement that television receivers be designed to accommodate both the TV Parental Guidelines and the MPAA movie ratings for the same reasons it opposes any multiple ratings requirement.

mandated use of multiple ratings systems. To the extent supplemental ratings services (be they positive- or negative-option) become available in the future, they should be left to the marketplace and not mandated for use in every television in the United States.

A. Simplicity Must be the Hallmark of the V-Chip.

There is no question, based upon the record of this proceeding, that the use of multiple ratings systems would add significant complexity and confusion to the operation of the V-chip by parents. Indeed, nearly every party addressing this issue in their comments recognizes this fact,[9/] including those who support the accommodation and use of multiple ratings systems.[10/] Requiring the accommodation or use of multiple ratings, while enticing in theory, would make the V-chip extremely impractical and confusing to operate for many parents. Canada's experience in field testing a V-chip system using multiple ratings systems more than bears this out. In its report to the Canadian Radio-television and Telecommunications Commission ("CRTC") on V-chip field trials it had conducted over a 6-week period in early 1997, the Action Group on Violence on Television ("AGVOT") found:

> [T]here was virtual unanimity with participants stating that two or three different ratings systems only complicated the use of the V-

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[9/] See Joint Programming Industry Comments at 10; Philips Comments at 6; CEMA Comments at 9; MECA Comments at 9; Zenith Comments at 4; ITI Comments at 6; Soundview Comments at 2; EEG Comments at 3.

[10/] See Comments of John B. Livingstone, M.D. ("Livingstone Comments") at 2; Comments of OKTV™ ("OKTV Comments") at 2; Comments of Tim Collings, Crystal J. Gips, The Los Angeles Times News Service, The School Libraries Association of Los Angeles County, The Children's Libraries Association of Los Angeles Country and Better Viewing Magazine ("Collings Comments") at 5.

> chip as it required making multiple decisions about the appropriate rating level for their family, with the subsequent necessity to program the separate ratings systems within the v-chip...[Participants] also considered it nonsensical that there could be different systems applied to the same program[.] This finding is similar to that of earlier trials, when consumers could not understand the logic of having different ratings systems. [11/]

Thomson strongly agrees with the Commission's assertion, contained in the NPRM, that "program blocking technology should be implemented in as 'user friendly' a manner as possible."[12/] The question then becomes, is the ability of a receiver to decode multiple ratings systems so desirable that we are willing to sacrifice the V-chip's user friendliness and, by extension, its broad acceptance and use by parents? Thomson believes the wise answer to this question is "no." Either the V-chip will succeed because it is simple and easy to use, or it will fail because parents find it overly complicated and difficult to use.

[11/] Report to the Canadian Radio-television and Telecommunications Commission from the Action Group on Violence on Television, *Report on a Classification System for Violence in Television Programming to be used in Conjunction with V-chip Technology* (April 30, 1997). (http://www.cab-acr.ca).

[12/] NPRM at ¶ 14.

B. The Mandated Inclusion of V-chip Enhancements, Such as "Positive-Option" Ratings Systems, While Potentially Desirable to Some Parents, Falls Far Outside the Scope of Section 551's Requirements; The Availability of Such Enhancements Should Be Left to the Marketplace.

The mandated use of "positive-option" ratings proposed by Tim Collings et. al. ("the Collings system"),[13/] while intriguing and potentially desirable to some parents, falls far outside the scope of Section 551's core requirement that television receivers with picture screens 13 inches or greater be "equipped with a feature designed to enable viewers to *block* display of all programs with a common rating."[14/] In fact, the Collings system is by its very design incapable of such blocking.[15/] Instead, the Collings system works to *unblock* programming that has already been blocked, and as such is designed as an *enhancement* to a ratings-based program blocking technology such as that using the EIA-608 standard and the TV Parental Guidelines. While the development of enhancements such as the Collings system can and should be encouraged by the Commission, their required use goes substantially beyond Congress's *core goal* of introducing V-chip blocking technology to parents. Indeed, nowhere in the plain language or legislative history of Section 551 does Congress ever contemplate a governmental role in selecting among v-chip enhancement technologies.

[13/] See Collings Comments at 4-6.

[14/] Pub. L. No. 104-104 at § 551(c).

[15/] Notably, several patents have been filed on this technology. The Commission should be very wary of mandating the use of a particular system covered by pending or granted patents.

Thomson's concerns with the Collings system, however, are not limited to its allowability under Section 551. The Collings system must overcome several major technical obstacles to its "real world" implementation before it can be considered a viable, practical service to parents.[16/] These obstacles center largely around the system's large appetite for bandwidth and its data's low priority (vis-a-vis closed captioning and program *blocking* data) for transmission over line 21 of the VBI.[17/]

Specifically, as currently proposed, the Collings system would require large additional amounts of data (approximately 260 bytes) to be carried on line 21, field 2 of the VBI. As discussed in Thomson's initial comments in this proceeding, any additional data imposed upon line 21 would have a negative impact on a receiver's performance speed vis-a-vis its ability to process ratings information.[18/] The large amount of data imposed upon a receiver by the Collings system, combined with its low priority vis-a-vis closed captioning and program blocking data, could take in excess of ten minutes to process before it could be acted upon by the receiver (i.e., before the target programming would be unblocked). Moreover, this data would have to be broadcast on *every channel* on a repetitive basis. The practical implications of such a delay are obvious: one

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[16/] Thomson does not comment on whether the positive-option ratings system designed and proposed by Mr. Collings would or would not work in the manner he claims and reserves judgement on this system upon further study.

[17/] These concerns were very recently discussed at a meeting of EIA's R-4.3 Television Data Systems Subcommittee at which Mr. Collings presented his proposal to modify EIA-608 to accommodate his "positive-option" ratings system. Because of these concerns, R-4.3 refused to consider Mr. Collings' proposal as an amendment to EIA-608 (*See,* CEMA minutes of R-4.3 Subcommittee meeting, December 4, 1997).

[18/] See Comments of Thomson Consumer Electronics at 18.

can picture a parent's (and a child's) frustration when they turn the channel to view some "good" television programming, only to have that programming blocked for 10 minutes while the data is downloaded by the receiver. The alternative, of course, would be to disable the V-chip and allow the program to be viewed. The inefficiency if not chaos of such a scenario make the Collings system, at this time, extremely premature.

Moreover, regardless of its potential merits or technical shortcomings, such a system still defies the Commission's goal of ensuring that parents find the V-chip optimally easy to use. The use of these additional ratings still would require parents to navigate through a gauntlet of programming options to operate their V-chip. While some enterprising parents may welcome this level of programming sophistication, many, if not most, others will not. Let us not forget that Congress intended to provide parents with a useful *tool,* not a surrogate parent, to help them control what their children view on television.

In fact, the Collings system, and other V-chip enhancements, are best left to win or lose in the free market. Indeed, enhancements such as these could very well be made available to parents as a value-added feature of certain television models, implemented in a manner similar to electronic program guides, or some other non-Line 21 service. Under no circumstances, however, should the Commission be distracted from its overriding duty to implement Congress's core objective of making program blocking technology available to parents as quickly as possible.

Thomson notes that other commenters share this view, appropriately urging the Commission to *encourage* but not mandate the development of multiple ratings systems.[19/]

IV. EIA Guidelines for Manufacturers' Use of the EIA-608 Standard for Program Blocking Will Ensure Compatibility and Consistency Among Television Receivers Equipped with the V-chip.

Several parties offer opinions on whether the Commission should mandate certain "minimum" performance requirements of V-chip program blocking capability.[20/] Such requirements might include the ability to automatically block programming with higher ratings when programming with a lower rating is selected, or the ability to automatically block unrated programming. In addition, programming industry commenters urge the Commission to ensure that "receivers react to ratings encoded in the VBI in a consistent manner."[21/]

With respect to these and other performance guidelines associated with V-chip program blocking, Thomson intends to conform to the Statement of Recommended Practices[22/] adopted by the Electronic Industries Association ("EIA"), which addresses the blocking operation of a television receiver and other recommendations for receiver functioning with the V-chip. This

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[19/] See CME Comments at 5.

[20/] See Joint Programming Industry Comments at 5; CME Comments at 2-4.

[21/] See Joint Programming Industry Comments at 3.

[22/] EIA Engineering Bulletin CEB-1, "Recommended Practice for the Content Advisory Extended Data Service (XDS) Packet (October 1997).

document, which was jointly balloted and approved by manufacturers and broadcasters, will ensure a more than sufficient degree of functional consistency among receivers equipped with the V-chip.

As discussed by Thomson and others in their initial comments,[23/] the Commission should not, nor has it the authority to, regulate television receiver user interfaces for V-chip program blocking. The design of such user interfaces is key to maintaining competitive differentiation among receivers of various manufacturers. In this area, the forces of competition will produce greater choice for consumers in terms of price and features.

IV. Conclusion.

Thomson is eager to move forward in realizing the Commission's goal of making V-chip program blocking technology available to parents as quickly as technically feasible. Thomson urges the Commission to approve the industry ratings system and the instant program blocking technical rules for manufacturers no later than January 1998, and move back its proposed implementation date by one year, requiring at least half of all product models to be in compliance by July 1, 1999, with the remaining models due in compliance by July 1, 2000. The Commission should not require manufacturers to design their receivers to accommodate multiple ratings systems, nor should it mandate the use of V-chip enhancement technologies, such as "positive-

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[23/] See Philips Comments at 10; CEMA Comments at 15; MECA Comments at 16; ITI Comments at 8; Joint Programming Industry Comments at 4.

option" ratings systems, in addition to the core blocking technology required by law. Such systems are best left to the market and, in the context of this proceeding, only serve to distract the Commission from its obligation to provide parents with core V-chip capability as quickly as technically feasible. Finally, The Commission should refrain from regulating either user interfaces and should leave the adoption of performance standards in the hands of the EIA and manufacturers to implement.

Respectfully Submitted,

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